

# **Office of Pesticide Programs (OPP) Update**

SFIREG Meeting  
December 5, 2022

Ed Messina, Director  
Office of Pesticide Programs  
U.S. Environmental Protection Agency





## Office of Pesticide Programs

Edward Messina, Director  
Arnold E. Layne, Deputy Director, Management  
Michael Goodis, Deputy Director, Programs

Endocrine Disruptor Screening  
Program

### Antimicrobials Division

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Steven Weiss, Deputy Director  
Lisa Christ, Associate Director

### Biopesticides and Pollution Prevention Division

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Frank Ellis, (Acting) Deputy Director

### Registration Division

Daniel Rosenblatt (Acting) Director  
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### Pesticide Re-evaluation Division

Elissa Reaves, Director  
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### Health Effects Division

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### Environmental Fate and Effects Division

Jan Matuszko, (Acting) Director  
Amy Blankinship, (Acting) Deputy Dir.  
Brian Anderson, Assoc. Director

### Biological and Economic Analysis Division

Anne Overstreet, (Acting) Director  
Neil Anderson, Deputy Director



## We've Moved!

- The move from Potomac Yard to Federal Triangle is complete.
- Senior managers have been in the building since end of February, supervisors since end of March, and staff started back the last week of April.
- Employees who relocated have been issued new telephone numbers.
- Websites are updated regularly with new contact information.



[DateTime]



## U.S. Pesticide Legislation

- **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**
  - Registration/Licensing, registration review
- **Federal Food, Drug, and Cosmetic Act (FFDCA)**
  - Tolerances/maximum residue levels (MRLs) for residues in food
- **Food Quality Protection Act (FQPA)**
  - Primarily amended FFDCA by establishing new standard
- **Pesticide Registration Improvement and Renewal Act (PRIA 1, 2, 3, & 4)**
  - Amended FIFRA by adding registration fees and decision review periods
- **Endangered Species Act**
  - Protect endangered wildlife and plants

## **OPP-wide Priorities**

- Registration
  - PRA 5 Technical assistance
- Registration Review
- ESA Implementation
- Implementation of Agency Priorities
  - Environmental Justice
  - Climate Change
- Advancing State of the Art Science
- Rule-Making, Guidance, Litigation, OIG, and Petition Responses
- Employee Experience/Organizational Development /Process and IT Improvements (GP2W)(People, Processes, and Technology) <sup>s</sup>



## OPP FY22 Highlights

- Over **11,500 submissions** via Portal
- Over **7,700 PRIA and non-PRIA actions** completed
- Registered **13 new active** ingredients
- **38 Section 18** emergency exemption decisions (Covid-19, herbicide resistant amaranth species in peanuts and sugar beets, coffee leaf rust)
- OPP Ombudsman responded to approx. **2,700** (Jan-Sept) **messages from the public**
- Center for Integrated Pest Management hosted **10 IPM webinars** (over **9,900 attendees**) and responded to over **2,800 public inquiries**
- Responded to a high volume of public health related inquiries: efficacy testing methods and claims for products intended to be effective against public health pathogens (**179**), **Monkeypox and COVID-19 (150)**, **pesticidal devices (360)**
- Reviewed labels and website materials for more than **40 products submitted** by EPA regional offices and state partners to ensure compliance **with device regulations**
- Collected \$31.6M and \$23.95M in maintenance and PRIA fees

Note from RD on Section 18s and 24cs:

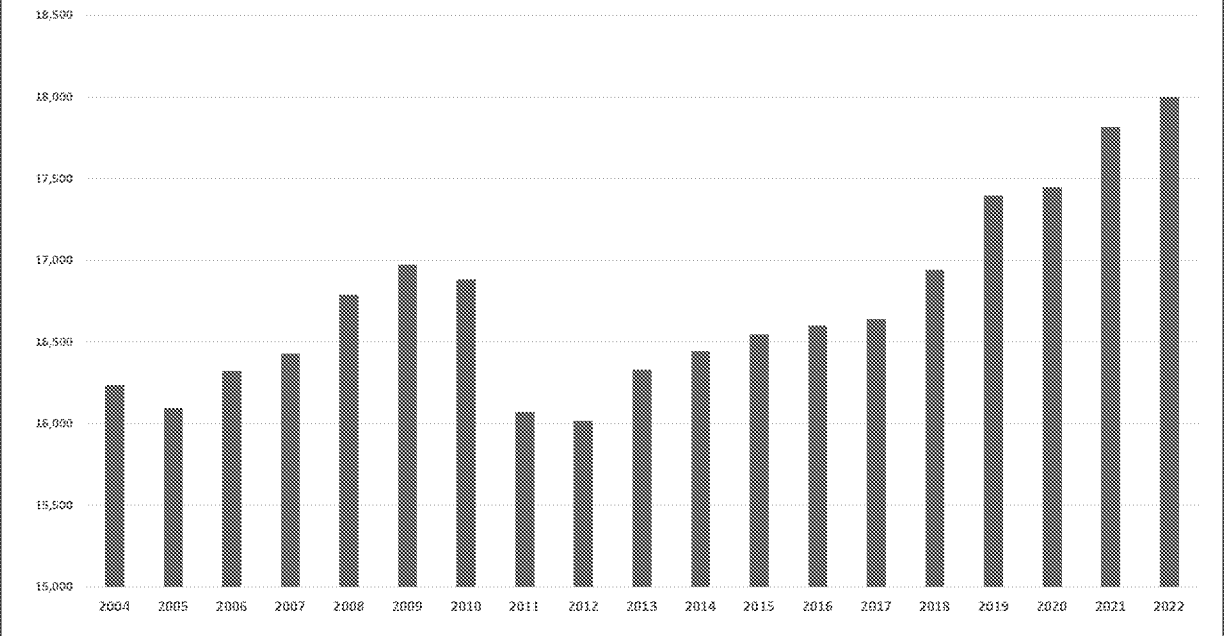
We don't have any S18s there right now, but we have a number of pending 24cs for SD, ND, and MT.

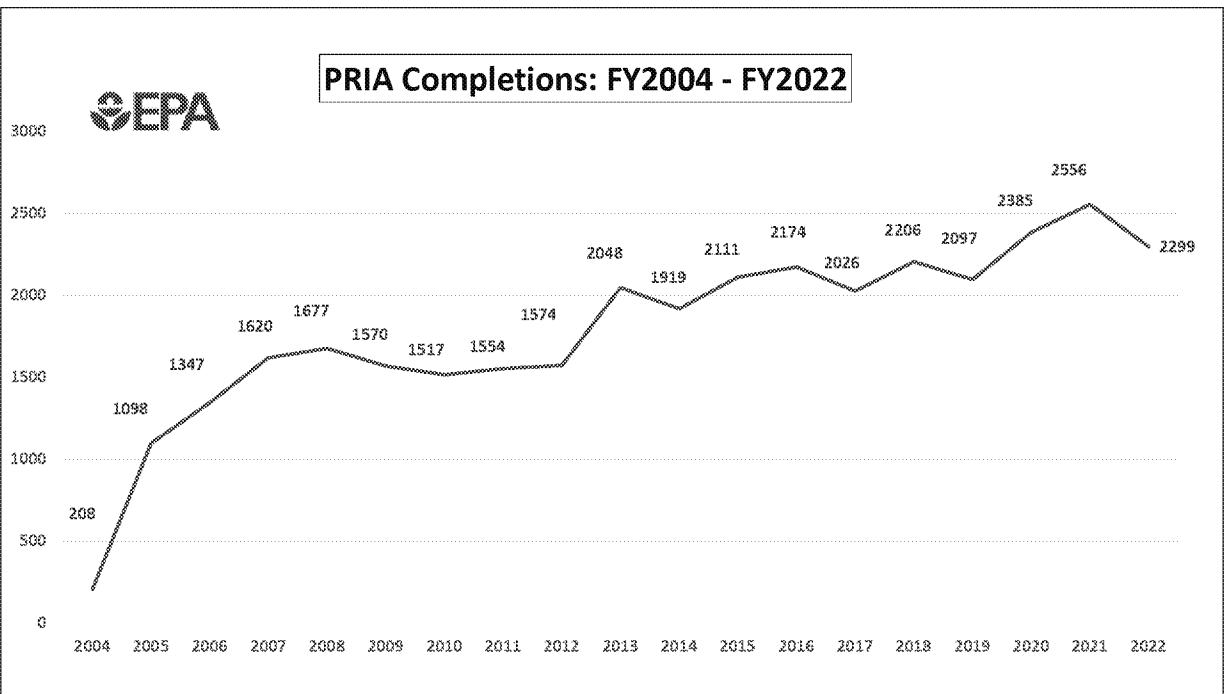
They are all renewals, and the only ones where we have concern are for 2 of the SD ones.

One is to add additional restrictions which is not allowed under 24c, we communicated this to SD and they indicated they will withdraw it.

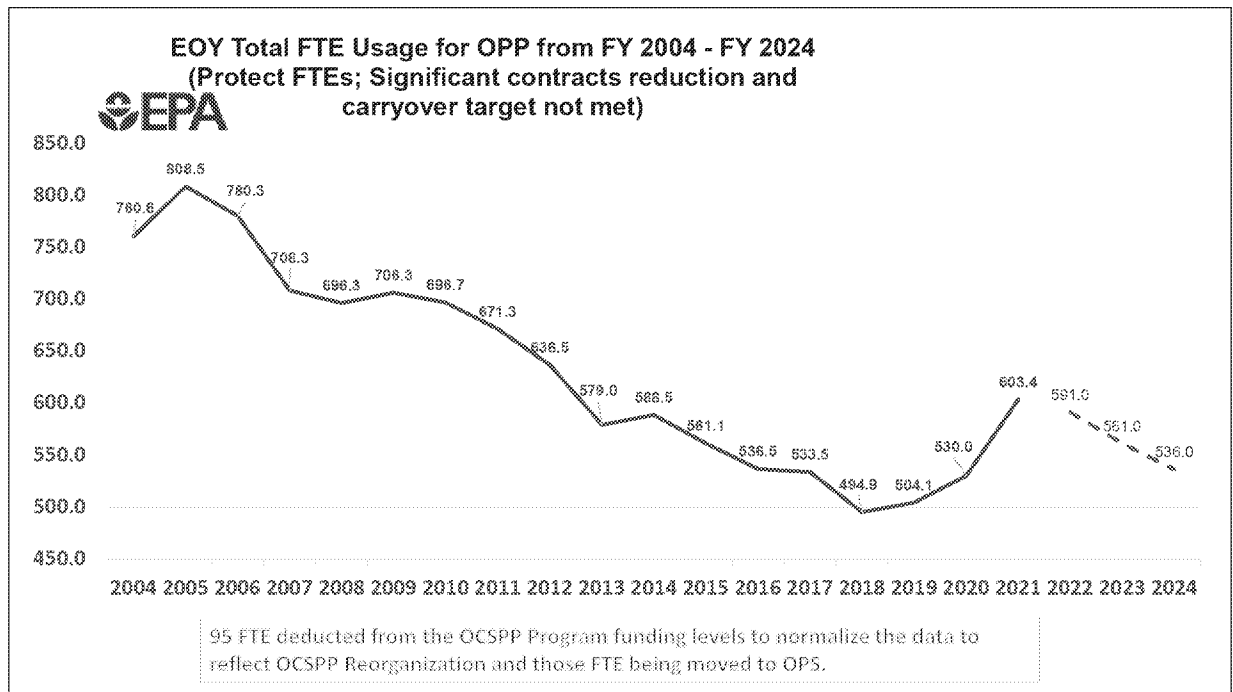
The other one added additional resistance management language which seems to be mostly on the S3 product already and they were going to talk to the company.

### Section 3 Product Registrations, 2004-2022

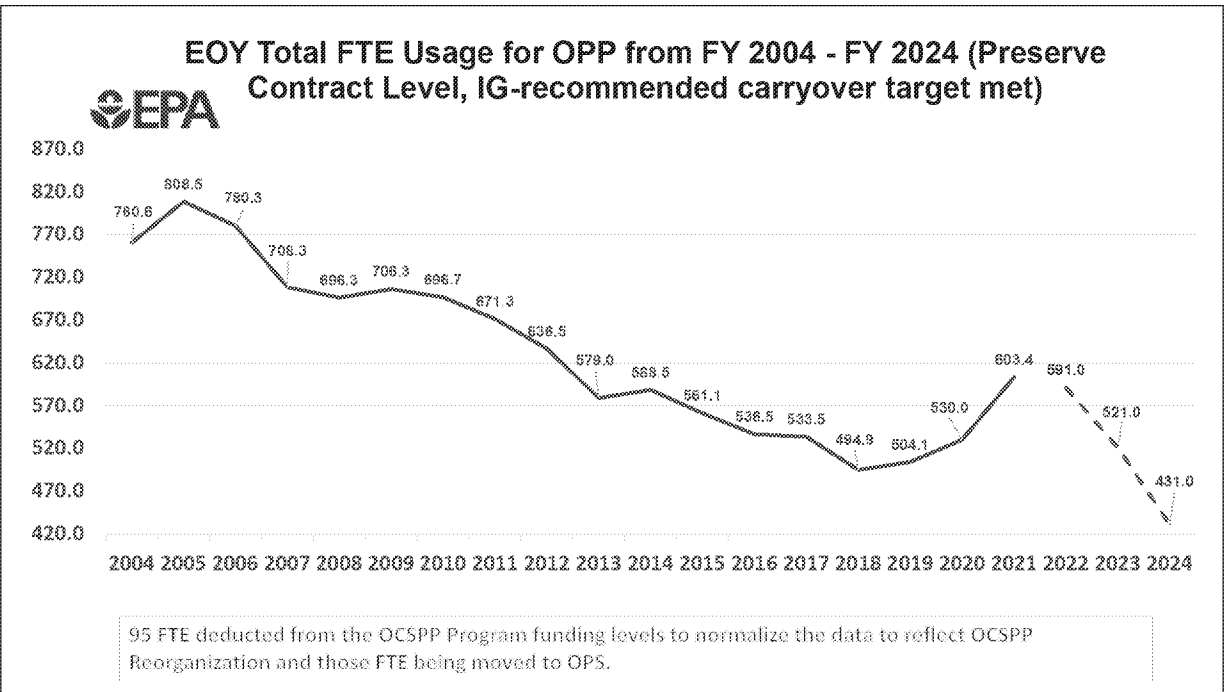








Steve



Steve



## **Registration Highlights**

### **Enlist Duo and Enlist One**

- January 2022, issued seven-year registrations for Enlist Duo and Enlist One, herbicides used to control weeds in conventional and genetically-modified corn, cotton, and soybean crops.
- The new product labels, which incorporate robust control measures to protect non-target plants and animals, meet FIFRA standards and comply with the ESA.



## Registration Highlights

### Dicamba

- December 2021, issued report on dicamba-related incidents
- Further restricted use of over-the-top (OTT) dicamba in Minnesota and Iowa.
- August 2022, released for public comment a second addendum to the 2016 draft human health risk assessment and a draft ecological risk assessment for dicamba.
- EPA is still considering additional registrant-proposed changes to the dicamba labels, but we have not reached a decision at this time.
- We do understand that there is urgency in the situation because growers are making seed decisions that impact next season now.
- Thank you for taking time to talk to us about dicamba over the last few months.

Note from RD:

We're still considering additional registrant-proposed changes to the dicamba labels, but we have not reached a decision at this time.

We do understand that there is urgency in the situation because growers are making seed decisions that impact next season now.

Thank them for taking time to talk to us about dicamba over the last few months.



## **Air Sanitizer for Residential and Commercial Use**

- In October, EPA registered Lysol Air Sanitizer, a new pesticide product that can be used in the air against bacteria and viruses such as influenza and coronaviruses.
- This is the first antimicrobial product registered that is effective for use in air that can kill both bacteria and viruses.
- When users spray the aerosol product in a closed, unoccupied room in accordance with the label use-directions, Lysol Air Sanitizer can:
  - kill bacteria and viruses in the air and suppress odor in residential and commercial settings, such as homes, schools, hotels, daycare centers, and office buildings
- This product is intended to supplement public health guidelines for indoor air regarding filter ratings, HVAC system cleaning/maintenance, and ventilation.

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## Enforceable Labels Seminar Series

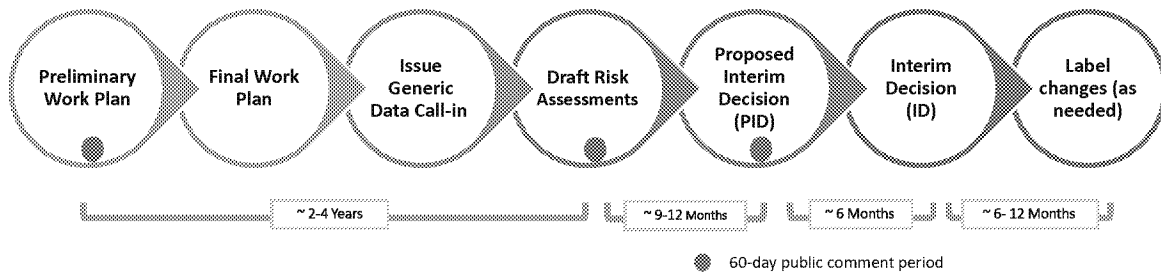
- OPP is working with the AAPCO leadership (Liza Trossbach and Megan Patterson) and OECA on developing a seminar series for OPP staff and managers on “Balancing Pesticide Risk Mitigation with Enforceable Label Language”.
- The goal of this effort is to develop more enforceable label language that still accomplishes our mitigation goals.
- Our current plan is to offer three, one-hour webinars that will foster discussion between OPP and state participants.
- The seminars will cover:
  - An Overview of Enforcing Pesticide Labels in the Field
  - Feedback from the Field on Historical Label Language
  - Suggestions for Making Draft Mitigation Language More Enforceable
- At the end of the series, we want to discuss what mechanism we could use to continue this type of feedback from our coregulators.
- This seminar series is in the process of being developed, and we hope to offer the first seminar early next year, with the three seminars occurring a month apart. The contacts for this effort are Dan Rosenblatt, Charmaine Hansen and Cindy Wire.



## **Progress in Meeting Pesticide Registration Review Deadline**

- In 2007, an amendment to FIFRA formalized a requirement that EPA review each registered pesticide at least every fifteen years – this is what we call registration review.
- The first registration review deadline was October 1, 2022.
- Pesticides without finalized review as of this deadline can remain on the market and be used according to the product label.
- EPA affirms its aggressive plan to review all remaining pesticide cases and issue decisions to protect humans, endangered species, and the environment, while providing pesticide users with predictability about the legal status of pesticides in registration review.

# Registration Review Process







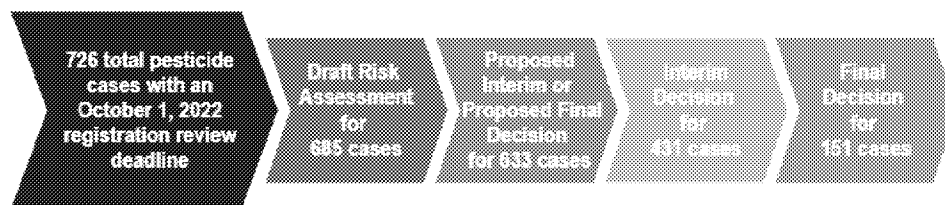
## **Progress in Meeting Pesticide Registration Review Deadline**

- In the past 15 years, EPA has:
  - Completed 685 draft risk assessments (94% of total number of cases), evaluating the potential for human health and ecological effects of a pesticide
  - Completed 633 proposed interim decisions or proposed final decisions (87% of total number of cases)
    - which present EPA's responses to public comment on draft risk assessments and which propose label mitigations and/or restrictions so that a pesticide product can continue to be used safely
  - Issued 431 interim decisions (60% of total number of cases)
    - which explain any changes to what had been proposed, respond to significant public comments, and require registrants to submit any product label amendments needed to protect human health and the environment



## Progress in Meeting Pesticide Registration Review Deadline

- ✓ Issued 151 final decisions (21% of total number of cases),
  - which document proposed changes, respond to significant public comments, and require registrants to submit product label amendments needed to protect human health and the environment
- ✓ Of the 582 interim or final decisions, 140 cases resulted in cancellation of some or all uses (19% of total number of cases).



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## **Progress in Meeting Pesticide Registration Review Deadline**

- Use the QR code below for more information on EPA's progress in meeting the pesticide registration review deadline.





## Registration Review Highlights

### **Atrazine**

- In June, released proposed revisions to September 2020 interim decision (ID) for public comment.
- Developed new proposed risk mitigation to decrease runoff as part of a partial voluntary remand of the atrazine ID following litigation

### **DCPA**

- In April, published Notice of Intent to Suspend due to the registrant's failure to respond to EPA's data request

### **Anthraquinone**

- In April, published the human health and ecological risk assessments and supporting documents describing EPA's concerns with on this avian repellent.

### **Diuron**

- In April, issued proposed interim decision to address human health and ecological risks



## Registration Review Highlights

### **Pentachlorophenol**

- In Feb. issued a final decision to cancel due to risks to workers' health outweighing the benefits of its use and given the emergence of viable alternatives.

### **Carbaryl**

- In Dec. Released a Proposed Interim Decision (PID) for carbaryl including improved mitigations to further protect human health and endangered species

### **Chlorpyrifos**

- Continued progress in the cancellation of all food-uses, including completing the response to objections by the registrants for the court
- Preparing the NOIC for remaining registrations and completing the final cancelations for various products

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Note from Elissa:

R8 is still very interested in chlorpyrifos – their Ag.

Advisor has been putting reminders on our calendars for updates every 4-6 weeks or so for the past several months.

They will likely be interested to hear that oral argument has been scheduled for December 15th on the case in the 8th circuit, the 8th circuit overlapping with a number of the states in EPA R8 (including the North Dakota, where the sugar beet folks are very interested).



## Rodenticides

- The draft risk assessments for the rodenticides were completed in 2020.
- On November 29, 2022, EPA released the proposed interim decisions for 11 rodenticides in registration review
  - includes additional mitigation measures to protect human health and mitigate ecological risk to non-target organisms, including potential effects on federally listed endangered and threatened (listed) species
- The PIDs cover 3 first-generation anticoagulant rodenticides four second-generation anticoagulant rodenticides, and four non-anticoagulant rodenticides
- The PIDs build on a previous risk mitigation decision for 10 rodenticides in 2008 by proposing additional mitigation measures.
- The Interim Decisions for the rodenticides are scheduled for 2023.

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## Glyphosate Ninth Circuit's Ruling

- The Ninth Circuit's ruling vacated the human health portion of the glyphosate ID and remanded it to EPA for further analysis and explanation; but the scientific conclusions regarding the cancer classification and associated documents remain the same at this time. Therefore, EPA continues to have the same position on the proposed language for the Proposition 65 safe harbor warning expressed in the April 8, 2022, letter to OEHHA.
- The Court found that the ID triggered ESA requirements and granted EPA's motion for remand without vacatur on the ecological risk assessment but required a new ecological portion of the ID by the October 2022 registration review deadline.
- On August 1, 2022, EPA sought relief from the court's imposition of the Oct. 1, 2022, deadline to complete the remand.
- On August 5, 2022, the court denied EPA's petition without opinion.
- EPA is actively discussing this decision within the federal family and do not yet have a resolution.

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1. Cancer and human health. The Court found that EPA's statements about potential for cancer risk were inconsistent and did not meet the substantial evidence test. Specifically, the panel was troubled by EPA's statement in the human health risk assessment that a conclusion about the association between glyphosate and non-Hodgkins lymphoma could not be determined based on the available evidence, and the panel found that EPA could not reasonably treat its inability to reach a conclusion as consistent with a determination that glyphosate is not likely to cause cancer. Therefore, the panel vacated the human health portion of the ID and remanded for further analysis and explanation.

2. ESA. The Court found that the registration review decision triggered ESA requirements, so EPA had to make an effects determination prior to issuing its registration review decision. The Court found that EPA violated the ESA but did not order relief since EPA was already under a deadline to complete registration review (and informal consultation) by October 2022, and a tighter deadline obligation would just be very disruptive for the agency and not yield much benefit for the plaintiffs. Also, the Court did not believe that vacating the ID (except for the human health portion) was beneficial, since the ID contained mitigation measures that would limit ecological impacts that vacatur would eliminate.

3. Eco risk assessment. The Court granted EPA's motion for remand without vacatur on the ecological risk assessment but required a new ecological portion of the ID by the October 2022 deadline.

In addition, the following was sent to CA-EPA OEHHA in response to their inquiry our position:

The Ninth Circuit's ruling vacated the human health portion of the glyphosate interim decision and remanded it to EPA for further analysis and explanation; but the scientific conclusions regarding the cancer classification and associated documents remain the same at this time. Therefore, the Agency continues to have the same position on the proposed language for the Proposition 65 safe harbor warning expressed in Assistant Administrator Freedhoff's April 8, 2022 letter to OEHHA.

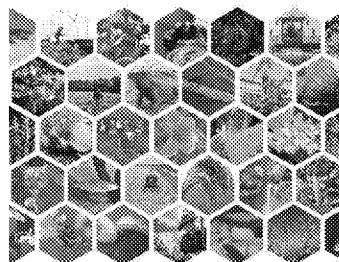


# ESA and Registration Review

- In April 2022, EPA released the workplan, Balancing Wildlife Protection and Responsible Pesticide Use, that describes new and creative solutions for EPA to come into compliance with ESA.
  - addresses the complexity of meeting its ESA obligations for thousands of FIFRA actions annually.
  - prioritizes certain FIFRA actions for ESA compliance
  - outlines how EPA will pursue early mitigation for listed species under FIFRA
  - describes directions for expediting and simplifying the current pesticide consultation process
- In November 2022, EPA released the ESA Workplan Update:
  - outlines major steps to increase protections for wildlife and regulatory certainty for pesticide users
  - details how EPA will pursue protections for nontarget species, including federally listed endangered and threatened (i.e., listed) species, earlier in the process for pesticide registration review and other FIFRA actions
- These early protections will help EPA comply with the ESA
  - reducing the Agency's legal vulnerability
  - providing farmers with more predictable access to pesticides
  - simplifying the ESA-FIFRA process



## **Balancing Wildlife Protection and Responsible Pesticide Use: How EPA's Pesticide Program Will Meet its Endangered Species Act Obligations** 2022



[www.epa.gov/endangeredspecies](https://www.epa.gov/endangeredspecies)





## New ESA Workplan Update

- For more information about the ESA workplan update, click on the QR code below:



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## FY22 ESA Highlights

- Registered ipflufenquin, the **first new a.i.** released under new ESA a.i. policy and for which we reached a No Effect ESA determination
- Registered new biopesticide a.i., *Bacillus subtilis* AFS032321. Reached NLAA determination and initiated informal consultation with Fish and Wildlife Services
- Completed Draft Biological Evaluation for sulfoxaflor, which represented the **first insecticide to go through the J/AM** analysis, and the first time the J/AM approach and draft Jeopardy determinations were published through a public process
- Completed final BEs on atrazine, simazine, and glyphosate, neonicotinoids (clothianidin, imidacloprid, thiamethoxam), and initiated consultation with the Services
- Consistent with the ESA Workplan, conducted J/AM analysis and developed **early ESA mitigations** for subset of species for **registration review pilots**: carbaryl, methomyl, and the rodenticides

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## FY22 ESA Highlights

- Hosted a public webinar in November 2022 to share an update on efforts to better protect non-target species
- Updated and improved Bulletins Live! Two web-based application that applicators use to identify any geographically specific pesticide use limitations for the protection of threatened and endangered (listed) species and their designated critical habitat. **The new system has the capacity to meet growing ESA demands:**
  - replaced deprecated software
  - significantly improved QA and recordkeeping capabilities
  - developed preview capability for registrants that can be used in OPP and; expanded to provide preview capabilities to states and possibly the public in the future



## Ethylene Oxide (EtO)

- Docket ID: [EPA-HQ-OPP-2013-0244](#)
- Uses: sterilization of medical devices and spices and a minor use for beekeeping equipment in NC
- Draft Risk Assessment (DRA) released November 20, 2020
  - EtO presents inhalation risks to workers inside of EtO sterilization facilities as well as communities surrounding the EtO sterilization facilities
  - Developing an Addendum for worker and non-residential bystander risk
- OPP Proposed Interim Decision (PID) and OAR Proposed Rule for Commercial Sterilization Facilities released concurrently by end of 2022 beginning of 2023.
- OPP working collaboratively with OAR on community outreach re: sterilization facilities where risks of concern for residential bystanders exceed levels of risk concern.
- DCI – OPP is working with registrant to satisfy outstanding data requirements
- Status:
  - DRA Addendum and PID under development
  - Working with federal partners and stakeholders on proposed mitigation measures

Photo: Uploaded April 8, 2021 United States government work (<https://www.flickr.com/photos/usepagov/>)



## Certification of Pesticide Applicators Rule

- Completed 3 Certified Pesticide Applicator rules (IFR, NPRM and NFRM) to extend regulatory deadline to ensure certification programs were not interrupted while the revised certification plans are reviewed and approved.
- EPA issued a final rule extending the deadline for states, tribes, and federal agencies with existing certification plans to comply with the updated federal standards under the 2017 Certification of Pesticide Applicators rule.
- The deadline was extended in part because of the impact of the COVID-19 public health emergency on certification programs, as well as the complexity of EPA's review of plans.
- State, territory, tribal, and federal authorities can continue existing applicator certification programs until November 4, 2023.
- Facilitated review of state and federal certification plans, working closely with the Regions and legal counsel. Completed EPA detailed reviews of all 68 plans and approval of 13 of those plans.

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### Approved Plans:

Region 7 = Nebraska, Region 8 = None

\*\*Kudos to Nebraska for the first approved state certification plan

### Pending or close to approval:

Region 7 = Missouri, Region 8 = South Dakota

### Tribal plans in progress:

Region 8 = Cheyenne River Sioux (S.D.), Rosebud Sioux (S.D.), Three Affiliated Tribes (N.D. - Tribes are Mandan, Hidatsa and Arikara Nation)

Refer them to our website to track the progress of plan reviews:

<https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators>

Tribal MOU/MOA with EPA Region 7 in progress

Region 7 – Prairie Band Potawatomi Nation (KS) and Santee Sioux Tribe of Nebraska

For rulemaking update – informing the final rule:

•EPA received 22 submissions to the docket; the comments fell into three categories:

1. General support for the 2-year extension (General Public, SLAs, Industry)
2. Oppose 2-year extension; recommends either conditional approvals, or at most, a 1-year blanket extension (Environmental Protection Network)
3. Oppose any further extension of deadline (Earthjustice et al.)



## Certification of Pesticide Applicators Rule

- Add QR code for website on state approved plans.
- Which webpage? The Database or The Nov. 22 announcement?





## **PFAS in Pesticide Products**

- EPA is proposing to remove 12 chemicals identified as per- and polyfluoroalkyl substances (PFAS) from the current list of inert ingredients approved for use in pesticide products to better protect human health and the environment.
- Under the PFAS Strategic Roadmap, EPA undertook a thorough review of its list of chemical substances that have been approved for use as inert ingredients in pesticide products.
- Pesticide products contain at least one active ingredient and other intentionally added inert ingredients. While these PFAS are no longer used in any registered pesticide products, EPA determined it is important to remove these 12 chemicals from the list of approved inert ingredients.
- Public comments will be accepted for 30 days. The comment period closes on October 1, 2022.



## Biotechnology Innovation Efforts

- **On September 12**, President Biden signed a new Executive Order: *Advancing Biotechnology and Biomanufacturing Innovation for a Sustainable, Safe, and Secure American Bioeconomy*.
- Under the new Executive Order, EPA, USDA and FDA are renewing efforts to improve the clarity and efficiency of regulatory processes for biotechnology products.
- These efforts aim to facilitate innovative solutions for challenges in agriculture, climate change, energy, food security and health.





## Chitosan

- In Nov, EPA finalized a rule adding chitosan (Poly-D-Glucosamine), a naturally occurring substance found in the cell walls of all crustaceans, most fungi, and the exoskeletons of most insects, to its minimum risk pesticide exemption list.
- In doing so, EPA is specifying that the listing also includes those chitosan salts that can be formed when chitosan is mixed with the acids that are listed as active or inert ingredients eligible for use in minimum risk pesticide products.
- The purpose of the exemption list is to eliminate the need for the Agency to expend significant resources to regulate products deemed to be of minimum risk to human health and the environment.
- The final rule is available in docket EPA-HQ-OPP-2019-0701 at [www.regulations.gov](http://www.regulations.gov)

## **EDSP Update**

- In [\[redacted\]](#), EPA published for public comment a draft white paper, detailing a New Approach Methodologies (NAMs) document in the Endocrine Disruptor Screening Program (EDSP).
- The draft white paper requires EPA to develop a screening program to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or other endocrine effects.
- This draft White Paper announces that certain NAMs have been validated and may now be accepted by the EPA as alternatives for certain EDSP Tier 1 assays while others are useful for prioritization purposes and for use as other scientifically relevant information, where appropriate, in weight of evidence evaluations.
- The draft White Paper provides further details concerning when specified NAMs may be used.



## Public Comment Periods

1. **September 23, 2022: EPA Takes Action to Protect Human Health and the Environment by Proposing Cancellation of Pentachloronitrobenzene**
  - Public comments will be accepted for 60 days.
  - The comment period closed on November 22, 2022.
2. **September 30, 2022: EPA Proposes Early Mitigation to Help Protect Endangered Species from Methomyl**
  - Public comments will be accepted for 60 days.
  - The comment period closes on December 5, 2022.
3. **November 29, 2022: EPA Proposes New Mitigation Measures for Rodenticides, Including Pilot for Protecting Endangered Species**
  - Public comments will be accepted for 75 days.
  - The comment period will close on January 12, 2023.



## Sign-up for OPP Pesticide Updates

Get pesticide news story updates by email:

- Go to [epa.gov/pesticides](http://epa.gov/pesticides)
- Go to the "Recent Highlights and Pesticide News" box in the right corner
- Click on "View more pesticide news" at the top
- Go to the "Other Resources" box at the right
- Under, "Get pesticide updates by email," enter your email address and click "Sign up"





# Questions & Answers



# OPP Updates

## **OPP Updates**

### **September 15, 2022: EPA Awards Grants to Advance Smart, Sensible, and Sustainable Pest Control in Agriculture - Press Announcement**

• <https://www.epa.gov/newsreleases/epa-awards-grants-advance-smart-sensible-and-sustainable-pest-control-agriculture>

• EPA announced the selection of six recipients that would receive a total of \$780,000 from the Pesticide Environmental Stewardship Program (PESP) grant competition. The selected grantees will explore the use of Integrated Pest Management (IPM) in agriculture over the course of two years to reduce the risk of pests and pesticides.

• The grantees are:

- Oregon State University
- Purdue University
- University of Florida
- University of Tennessee
- University of Vermont
- West Virginia University

## **OPP Updates**

### **September 21, 2022: EPA Finalizes Revisions to Several Pesticide Crop Groupings**

- <https://www.epa.gov/pesticides/epa-finalizes-revisions-several-pesticide-crop-groupings>
- EPA released the sixth final rule in an ongoing series of revisions to the pesticide crop grouping regulations. In January 2022, EPA issued a proposed rule for public comment to improve several pesticide crop groupings. This final rule incorporates comments received on the proposed rule.
- Crop groups are established when residue data for certain representative crops are used to establish pesticide tolerances for a group of crops that are botanically or taxonomically related. Crop grouping allows the results of pesticide residue studies for one crop to be applied to other, related crops within the group.
- Based on petitions submitted to EPA by the IR-4 Project, EPA has taken a phased approach towards revising the current pesticide crop grouping regulations. The remaining groups to update and expand in the future are: Root and Tuber Vegetables (Groups 1 & 2), Cucurbit Vegetables (Group 9), Grass Animal Feeds (Group 17) and Nongrass Animal Feeds (Group 18).



## **OPP Updates**

### **September 23, 2022: EPA Takes Action to Protect Human Health and the Environment by Proposing Cancellation of Pentachloronitrobenzene**

• <https://www.epa.gov/pesticides/epa-takes-action-protect-human-health-and-environment-proposing-cancellation>

- EPA is releasing a proposed final decision for pentachloronitrobenzene (PCNB) that proposes cancellation of all registrations of this pesticide. PCNB is a fungicide that has been used to control plant diseases in both agricultural and non-agricultural settings.
- The 2021 ecological risk assessment identified risks of concern to fish, amphibians, aquatic invertebrates, aquatic plants, birds, reptiles, mammals, and bees. It also identified PCNB persistence in the environment and bioaccumulation in the aquatic food chain. The 2021 draft human health risk assessment was based on adverse effects on the thyroid and identified potential non-cancer risks of concern from PCNB exposure. EPA is proposing to cancel all registrations of PCNB because of these significant ecological and human health risks posed by PCNB and limited benefits from the current uses of PCNB.
- Public comments will be accepted for 60 days. The comment period closed on November 22, 2022.



## OPP Updates

### September 23, 2022: EPA Withdraws Glyphosate Interim Decision

- <https://www.epa.gov/pesticides/epa-withdraws-glyphosate-interim-decision>
- EPA announced its withdrawal of all remaining portions of the interim registration review decision for glyphosate. Pesticide products containing glyphosate continue to remain on the market and be used according to the product label and are unaffected by this action.
- On Feb. 3, 2020, EPA published the Glyphosate Interim Registration Review Decision (ID). However, in March of the same year, the glyphosate ID was challenged in the U.S. Court of Appeals for the Ninth Circuit. Petitioners challenged EPA's analysis of human health and ecological risk, the weighing of such risks against the benefits of glyphosate and the interim risk mitigation measures and alleged that EPA violated the Endangered Species Act (ESA).
- On June 17, 2022, the U.S. Court of Appeals for the Ninth Circuit vacated the human health portion of the glyphosate ID and held that EPA's registration review decision under FIFRA was an 'action' that triggered ESA obligations. EPA has determined that withdrawal of the glyphosate ID is appropriate in consideration of the Ninth Circuit's June 17, 2022, decision.

# **OPP Updates**

## **September 26, 2022: Pesticide Registration Review Deadline: Status Update and Plans for Remaining Work**

• <https://www.epa.gov/pesticides/pesticide-registration-review-deadline-status-update-and-plans-remaining-work>

- EPA shared an update on its progress in meeting the Oct. 1, 2022, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) pesticide registration review deadline for the 726 pesticide cases registered before October 2007.
- In 2007, an amendment to FIFRA formalized a requirement that EPA review each registered pesticide every 15 years to determine whether pesticides continue to meet the standard for registration. This amendment set the first registration review deadline as Oct. 1, 2022. There are 726 conventional, biopesticide and antimicrobial pesticide cases that were registered before Oct. 1, 2007.
- In the past 15 years, EPA has:
  - Completed 685 draft risk assessments
  - Issued 431 interim decisions
  - Issued 151 final decisions
  - Of the 582 interim or final decisions, 140 cases resulted in cancellations of some or all uses

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## OPP Updates

### September 28, 2022: EPA Responds to Treated Seed Petition

- <https://www.epa.gov/pesticides/epa-responds-treated-seed-petition>
- EPA issued a response to a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups. The petition filed by CFS claims that EPA did not adequately assess the risks from use of seed treatment pesticides that have systemic properties and use of the seed treated by such pesticides. The petition also claims that the treated article exemption may not cover treated seed without an adequate assessment of the risks.
- EPA explains in its response that it does fully assess both the use of the treating pesticide and the treated seed and impacts to human health and the environment. Also, that the treated article exemption regulatory text appropriately covers any seed treated if it meets specific regulatory conditions.
- EPA does not agree with the petition claims as to the treated article exemption and thus is not granting the petition requests to either interpret or amend the regulatory text for the exemption to categorically exclude seed treated with systemic pesticides from the exemption.

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## OPP Updates

### **September 29, 2022: EPA Updates Aquatic Life Benchmarks for Registered Pesticides and Antimicrobial Chemicals**

• <https://www.epa.gov/pesticides/epa-updates-aquatic-life-benchmarks-registered-pesticides-and-antimicrobial-chemicals>

- EPA, in collaboration with the California Department of Pesticide Regulation and the U.S. Geological Survey, released an updated version of the Aquatic Life Benchmarks. These benchmarks are estimates of the concentrations below which pesticides are not expected to present a risk of concern for freshwater organisms.
- The updated Aquatic Life Benchmarks represent 759 chemicals, including newly registered pesticides or new values for previously registered pesticides and selected degradates. The updates include:
  - Benchmarks for 27 new chemicals
  - Additional benchmarks for 10 degradates of chemicals with existing benchmarks.
  - Revised benchmarks for 72 existing chemicals



## OPP Updates

### **September 30, 2022: EPA Proposes Early Mitigation to Help Protect Endangered Species from Methomyl**

- <https://www.epa.gov/pesticides/epa-proposes-early-mitigation-help-protect-endangered-species-methomyl>
- In line with the Agency's commitment to improve outcomes for all federally threatened and endangered (listed) species, EPA proposed revisions to the 2020 Proposed Interim Decision (PID) for methomyl, a type of insecticide.
- In 2020, EPA released a PID for methomyl that proposed mitigation measures to ensure that use of methomyl products will not result in unreasonable adverse effects on the environment, consistent with EPA's obligations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
- Following the release of the PID, the Agency released the Biological Evaluation (BE) for methomyl. EPA used the BE to identify three "pilot" species that are likely to be adversely affected by methomyl use. To mitigate potential risks to these species, the Agency developed mitigation measures that are expected to reduce their exposure to methomyl and their likelihood of being adversely affected. The revised PID represents the next step in the registration review process for methomyl.
- Public comments will be accepted for 60 days. The comment period closes on December 5, 2022.



## OPP Updates

### **October 6, 2022: EPA Registers Air Sanitizer for Residential and Commercial Use Against Influenza and Coronavirus**

• <https://www.epa.gov/pesticides/epa-registers-air-sanitizer-residential-and-commercial-use-against-influenza-and-coronavirus>

- EPA registered Lysol Air Sanitizer, a new pesticide product that can be used in the air against bacteria and viruses such as influenza and coronaviruses. This is the first antimicrobial product registered that is effective for use in air that can kill both bacteria and viruses.
- EPA conducted a robust risk assessment on exposure from both household and commercial use. When used following label directions, this product poses no unreasonable adverse risks to human health or the environment.
- In addition to the targeted bacteria, this product has been tested against a surrogate virus, and is expected to be effective against similar airborne viruses such as SARS-CoV-2.



## OPP Updates

### **October 7, 2022: EPA Releases Test Methods and Guidance for Long-Lasting Antimicrobial Efficacy Claims**

- <https://www.epa.gov/pesticides/epa-releases-test-methods-and-guidance-long-lasting-antimicrobial-efficacy-claims>
- EPA issued finalized guidance and test methods for registering antimicrobial products with residual efficacy against viruses and bacteria. The benefit to these products is that surfaces treated with residual antimicrobial products kill pathogens that come into contact with the surface days, weeks or years after the product is applied.
- In October 2020, EPA issued interim guidance and test methods for public comment as a pathway for companies to add claims of residual efficacy to their products' labels. In finalizing the guidance, EPA made minor modifications to better represent the real-world conditions under which products with residual efficacy will be used.





## OPP Updates

### **October 12, 2022: EPA Responds to Petition and Releases Revised Human Health Risk Assessment for Tetrachlorvinphos**

- <https://www.epa.gov/pesticides/epa-responds-petition-and-releases-revised-human-health-risk-assessment/>
- EPA released a revised human health risk assessment for the pesticide tetrachlorvinphos (TCVP) and its registered pet uses to control various insects including public health pests such as fleas, ticks, flies, lice, and pest larvae.
- Having conducted an extensive evaluation of available data on TCVP's potential human health impacts, EPA finds that there are unacceptable risks from pet collars for children exposed when contacting pets wearing collars and is granting the petition as to pet collars containing TCVP.
- EPA initially issued a denial of NRDC's petition to cancel all pet uses of TCVP in November 2014 based on the available data at the time. In January 2015, NRDC filed a petition for review of EPA's denial. On a Petition for Writ of Mandamus, the Ninth Circuit ordered EPA to respond to NRDC's petition by July 21, 2020, which EPA did by denying the petition.
- Therefore, this action also responds to the Ninth Circuit U.S. Court of Appeals' vacatur of EPA's 2020 denial of NRDC's petition to cancel all pet uses of TCVP and remand to the Agency to issue a new response to NRDC's petition by October 11, 2022.

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## OPP Updates

### **October 19, 2022: EPA Releases Updated Lists of Disinfectants for Emerging Viral Pathogens Including Ebola**

- <https://www.epa.gov/pesticides/epa-releases-updated-lists-disinfectants-emerging-viral-pathogens-including-ebola>
- EPA triggered its emerging viral pathogen (EVP) guidance in support of the Centers for Disease Control and Prevention's (CDC) response to the Ebola virus cases in western Uganda.
- With EPA's EVP guidance, additional disinfectants, for which emerging viral pathogen claims have been approved, can be used against the Ebola virus. EPA developed its EVP guidance to facilitate the availability of EPA-registered disinfectants for use against emerging viral pathogens.



## OPP Updates

### **October 21, 2022: EPA Hosting Webinar on Protecting Species through Pesticide Registration Review**

- <https://www.epa.gov/pesticides/epa-hosting-webinar-protecting-species-through-pesticide-registration-review>
- EPA announced a Nov. 17, 2022, public webinar to share an update on efforts to better protect non-target species, including federally listed endangered and threatened (listed) species, from registered conventional pesticides.
- This webinar is a follow-up to EPA's April 2022 Workplan outlining actions that will help EPA meet its obligations under the Endangered Species Act (ESA).



## OPP Updates

### **October 26, 2022: EPA Releases Draft Assessment of Effects of Inpyrfluxam on Endangered Species for Public Comment**

- <https://www.epa.gov/pesticides/epa-releases-draft-assessment-effects-inpyrfluxam-endangered-species-public-comment>

- EPA released its draft biological evaluation (BE) that contains the Agency's analysis of the potential effects of the fungicide inpyrfluxam on federally listed endangered and threatened (listed) species and their designated critical habitats.
- While EPA found that inpyrfluxam is likely to adversely affect certain listed species and critical habitats, EPA did not predict that inpyrfluxam will lead to a future jeopardy or adverse modification finding for these species and habitats.
- The draft BE is part of EPA's efforts to meet its obligations under the Endangered Species Act (ESA). EPA evaluated the effects of inpyrfluxam on over 1,700 listed species and over 800 designated critical habitats in the United States. The BE encompasses all currently proposed and registered uses and product labels for pesticide products containing inpyrfluxam.
- After reviewing public comments on the draft BE, EPA will make any appropriate changes and issue a final BE. If EPA's final BE continues to find that inpyrfluxam is likely to adversely affect listed species and/or their designated critical habitats, then EPA will initiate formal consultation and share its findings with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (the Services).
- Public comments will be accepted for 60 days. The comment period will close on December 25, 2022.

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## **OPP Updates**

### **October 27, 2022: EPA Provides Annual Notification of Updates to the Environmental Chemistry Methods Index for Monitoring Pesticide Residues**

- <https://www.epa.gov/pesticides/epa-provides-annual-notification-updates-environmental-chemistry-methods-index>

- EPA provided an annual summary of additions to the Environmental Chemistry Methods (ECM) Index made during FY 2022.
- The ECM Index is a list which currently includes 889 analytical methods for monitoring pesticide residues, primarily in soil or water. In the past year, 24 new analytical methods have been added to the ECM Index, including three methods for a newly registered pesticide. The ECM reports listed in the ECM Index were submitted to EPA by pesticide registrants to support submitted field and monitoring studies, and potential monitoring by states, tribes and other entities.
- EPA updates the ECM Index quarterly and as new chemicals are registered.

## **OPP Updates**

### **November 8, 2022: EPA Adds Chitosan to the List of Active Ingredients Eligible for Minimum Risk Pesticide Exemption**

• <https://www.epa.gov/pesticides/epa-adds-chitosan-list-active-ingredients-eligible-minimum-risk-pesticide-exemption>

- EPA finalized a rule adding chitosan (Poly-D-Glucosamine) to its minimum risk pesticide exemption list in response to an October 10, 2018, petition from Tidal Vision Products, LLC. In doing so, EPA is specifying that the listing also includes those chitosan salts that can be formed when chitosan is mixed with the acids that are listed as active or inert ingredients eligible for use in minimum risk pesticide products.
- Chitosan is currently registered with EPA under FIFRA as a fungicide, antimicrobial agent, and plant growth regulator. Chitosan is currently widely available to the public for non-pesticidal uses, and has established applications in various industries including textiles, cosmetics, beverage processing, and water treatment.
- The purpose of the exemption list is to eliminate the need for the Agency to expend significant resources to regulate products deemed to be of minimum risk to human health and the environment. Products that contain only those active and inert ingredients allowed by the exemption and meet certain Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requirements are exempt from the normal FIFRA registration requirements. Approximately a decade has passed since a substance was added to the list of ingredients eligible for the minimum risk pesticide exemption.

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## **OPP Updates**

### **November 16, 2022: EPA Advances Early Pesticides Protections for Endangered Species, Increases Regulatory Certainty for Agriculture**

• <https://www.epa.gov/pesticides/epa-advances-early-pesticides-protections-endangered-species-increases-regulatory>

- EPA released an Endangered Species Act (ESA) Workplan Update that outlines major steps to increase protections for wildlife and regulatory certainty for pesticide users. The Workplan Update details how EPA will pursue protections for nontarget species, including federally listed endangered and threatened (i.e., listed) species, earlier in the process for pesticide registration review and other Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) actions.
- These early protections will help EPA comply with the ESA, thus reducing the Agency's legal vulnerability, providing farmers with more predictable access to pesticides, and simplifying the ESA-FIFRA process that, left unchanged, creates both significant litigation risk and a workload far exceeding what EPA has the resources to handle.
- This update is a follow-up to EPA's April 2022 ESA Workplan that addresses the complexity of meeting its ESA obligations for thousands of FIFRA actions annually.

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## **OPP Updates**

### **November 22, 2022: EPA Approves Stronger Plans for Certification of Pesticide Applicators**

- <https://www.epa.gov/pesticides/epa-approves-stronger-plans-certification-pesticide-applicators>
- EPA announced it had approved 13 state and federal agency certification plans that comply with the improved federal standards to enhance worker safety under the 2017 Certification of Pesticide Applicators (CPA) rule.
- The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires authorities to have an EPA-approved plan to certify applicators of restricted use pesticides (RUPs). In 2017, EPA updated the CPA regulations, setting stronger standards for people who apply RUPs. The implementation of revised certification programs is crucial to reducing potential RUP exposures to certified applicators and those working under their direct supervision, other workers, the public, and the environment.
- State, territory and tribal authorities with existing plans can continue using those plans until November 4, 2023, consistent with EPA's recently issued extension. EPA is working closely with authorities to address challenges in revising their plans and will continue to approve plans on a rolling basis. After November 4, 2023, only authorities with EPA-approved modified certification plans can continue to certify applicators of RUPs.





## OPP Updates

### **November 29, 2022: EPA Proposes New Mitigation Measures for Rodenticides, Including Pilot for Protecting Endangered Species**

- <https://www.epa.gov/pesticides/epa-proposes-new-mitigation-measures-rodenticides-including-pilot-protecting-endangered>
- EPA proposed new measures to protect human health and the environment for 11 rodenticides, including measures to reduce potential exposures to three federal listed endangered and threatened ("listed" species and one critical habitat.
- Rodenticides are used in residential, agricultural, and non-agricultural settings to control a variety of pests. These proposed interim decisions (PIDs) propose mitigation measures based on findings in the 2020 draft human health and ecological risk assessments (DRAs) and feedback submitted during the DRA's public comment period. These measures are intended to reduce exposure to non-target organisms such as mammals and birds that may inadvertently consumer rodenticides through their prey, or animals that may consume the rodenticide directly.
- This work furthers the goals outlined in EPA's April 2022 Endangered Species Act (ESA) Workplan and one of the ESA pilots described in its November 22 update to provide practical, timely protections for listed species from pesticides. The ESA workplan described how EPA is developing early mitigation for a subset of species where EPA predicts a likelihood of a jeopardy or adverse modification finding for one or more of the registration review pilot pesticides if mitigation is not undertaken. One of these pilots is for rodenticides.
- In addition to describing the pilot and the mitigation measures for the selected species, the PIDs also describe EPA's plans for expanding those mitigation measures to the other approximately 90 listed species potentially affected by rodenticides. EPA also intends to make effects determinations for all listed species available in a draft biological opinion (BE).
- Public comments will be accepted for 75 days. The comment period will close on January 12, 2023.